

Application No. 10/020,922
Art Unit 1772
April 30, 2004
Preliminary Reply Filed with RCE

PRELIMINARY REMARKS

Applicants respectfully submit that the previous Reply After Final Under 37 C.F.R. § 1.116, filed February 27, 2004, fully addresses the outstanding Office Action of December 1, 2003. However, based on the new comments in the Advisory Action of March 30, 2004, Applicants herein submit these preliminary amendments and remarks.

First, Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims. Claims 4-8 and 10-20 have been canceled without prejudice or disclaimer of the subject matter contained therein. Also, claims 1 and 2 have been amended. Thus, claims 1-3 and 9 are pending in the present application. No new matter has been added by way of this amendment to claim 1, since this amendment is supported by the present specification at page 15 and is merely for clarification purposes. The amendment to claim 2 is also for clarification purposes. These amendments are non-narrowing and do not surrender any particular equivalents with respect to the scope of the presently pending claims. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following supplemental remarks, Applicants respectfully request that the Examiner to withdraw all objections and rejections and allow the currently pending claims.

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New Issues in the Advisory Action

In paragraph 1 of the Advisory Action, the Examiner states that the recitation of the "ethylene/ α -olefin copolymer (B) is contained in an amount of 10% to less than 50% by weight" raises new issues and necessitates a new rejection under 35 U.S.C. § 112, second paragraph. Applicants respectfully disagree and traverse this rejection as follows.

The skilled artisan would readily understand the range as instantly claimed as being from 10% by weight of the ethylene/ α -olefin copolymer (B), which includes the amount of 10% by weight, and up to but not including 50% by weight ("less than 50% by weight"). Applicants respectfully submit that the ranges of "10 to zero", etc., as cited in the Advisory Action are incorrect interpretations of claim 1. Still, this range has been amended to clarify the scope of Applicants' invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully ^{requested} and well as consideration of the scope of claim 1 in view of all outstanding objections and rejections.

With regard to paragraph 2 of the Advisory Action, a Request for Continued Examination has been filed, and Applicants request consideration of the Reply of February 27, 2004.

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With regard to paragraphs 2-3 of the Advisory Action, Applicants respectfully disagree that claim 1 has an embodiment of (A) and (C) but not component (B). As can be seen from instantly pending claim 1 of the present invention, it is clear that Applicants are claiming a composition comprising either the high-pressure-processed low-density polyethylene (A) plus the ethylene/ α -olefin copolymer (B), or the ethylene/ α -olefin copolymer (B) plus the linear low-density polyethylene (C). Applicants respectfully submit that there is no ambiguity in what Applicants are claiming. Thus, claims 2 and 9 properly depend on claim 1. If the Examiner maintains this position, Applicants respectfully request the Examiner to contact Applicants' representative at the contact information given below.

With regard to paragraph 4 of the Advisory Action, Applicants maintain their position there is no ambiguity in the present specification in relation to the claims. However, the disputed claim has been canceled, rendering this rejection moot. Withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

With regard to paragraph 5 of the Advisory Action, Applicants maintain their position that there is no ambiguity regarding Figure 1 and the structural details of the present invention. However, the disputed claims have been canceled, rendering this rejection moot.

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Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

With regard to paragraph 6 of the Advisory Action and the outstanding rejections under 35 U.S.C. §§ 102(b) and 103(a) over the Yamamoto et al. '861 reference (U.S. Patent No. 5,741,861), Applicants' previous reply is not being considered by the Examiner since the after final amendments have not been entered. Applicants now request such consideration of Applicants' previous reply (of February 27, 2004), which fully addresses these outstanding rejections.

Based on the above remarks, Applicants respectfully request reconsideration of the present invention and withdrawal of all outstanding objections and rejections.

Conclusion

A full and complete response has been made to all issues as cited in the outstanding Office Action and Advisory Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that the Examiner pass the application to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to


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contact Marc S. Weiner (Reg. No. 32,181) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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